IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

MFA.No. 60 of 2002(B)

OPMV.547/1996 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM

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APPELLANT: 3RD RESPONDENT:

UNITED INDIA INSURANCE CO. LTD.,
REPRESENTED BY THE DEPUTY MANAGER,
THIRD PARTY CLAIMS CELL, VETTUKATTIL BUILDING,
M.G.ROAD, KOCHI-16.

BY ADV. SRI.M.S.PATTALI
SRI.T.VINOD KUMAR

RESPONDENTS: PETITIONER/1ST & 2ND RESPONDENTS:
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1. K.A.SULAIMANKUTTY, S/O. AHAMMED,
KUTTOTH HOUSE, S.R.M. ROAD, ERNAKULAM.

2. ALI.P.U., S/O. UMMER, PARAKUNNATH HOUSE,
CHALAKULAM, VENGOLA P.O., (VIA) PERUMBAVOOR.

3. KUNJUMON P.M., THANIKKAPARAMBIL,
EDAPPALLY.

BY

THIS MISC. FIRST APPEAL HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & A.K.BASHEER, JJ.

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M.F.A.No.60 OF 2002

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Dated this the 19th day of September, 2007

JUDGMENT

Radhakrishnan, J

Appellant has filed this appeal being aggrieved by the award passed by the Tribunal allowing interest at the rate of 12% from the date of petition till realisation. The Supreme Court in **Kaushnuma Begum v. New India Assurance Company Limited [2001 (1) KLT 408 (S C)]** has decided that the rate of admissible interest is only 9%. Therefore, the claimant is only entitled to 9% interest instead of 12%. The award is modified accordingly.

M.F.A. is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE

A.K.BASHEER, JUDGE

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